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## OFFICE OF PETITIONS

PTO/SB/64a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL  
FILING (37 CFR 1.137(f))**Docket Number (Optional)  
09143-017001

First named inventor: Suk Cho et al.

Application No.: 09/800,195

Art Unit: 1615

Filed: March 6, 2001

Examiner: C. Evans

Title: DIETARY SUPPLEMENTAL COMPOSITIONS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application ~~became~~ may have become abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)****1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is March 6, 2002.

11/04/2003 AWONDAF1 00000093 09800195

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1330.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**STATEMENT:** The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.  
 [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

October 29, 2003

Date



Signature

J. Patrick Finn III, Ph.D., Reg. No. 44,109

Typed or printed name

Fish & Richardson P.C., P.A.

60 South Sixth Street, Suite 3300

Address

Minneapolis, MN 55402

Enclosures:  Fee Payment

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Oct. 29, 2003

Date



Signature

JUDY WASILKUS  
 Type or printed name of person signing certificate



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Suk Cho et al.

Art Unit : 1615

Serial No. : 09/800,195

Examiner : C. Evans

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Title : DIETARY SUPPLEMENT COMPOSITIONS

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 Commissioner for Patents  
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 Alexandria, VA 22313-1450

**NOTICE OF FOREIGN FILING UNDER 35 U.S.C. § 122(b)(2)(B)(iii)**

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included in the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). The nonpublication request was rescinded on March 7, 2002 using PTO Form PTO/SB/36 (copy attached), which was believed to satisfy the requirements of 35 U.S.C. §§ 122(b)(2)(B)(ii)-(iii).

Applicants hereby provide additional notice of foreign or international filing as required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c). This additional notice is being provided later than forty-five (45) days after the date of such foreign or international filing. To avoid any unintentional abandonment of this application, Applicants hereby concurrently submit a "Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))" (PTO Form 64a) with the appropriate fee.

Please apply any other charges or credits to Deposit Account No. 06-1050.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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October 29, 2003

Judy Wasikus

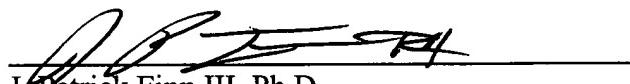
JUDY WASIKUS

Applicant : Suk Cho et al.  
Serial No. : 09/800,195  
Filed : March 6, 2001  
Page : 2 of 2

Attorney Docket No.: 09143-017001

Respectfully submitted,

Date: October 29, 2003

  
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